House No. 101

Message from His Excellency the Governor recommending legislation relative to An Act providing emergency measures to assist the Commonwealth's fiscal recovery.

The Commonwealth of Massachusetts



EXECUTIVE DEPARTMENT
STATE HOUSE • BOSTON 02133
(617) 725-4000

January 28, 2009

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled "An Act Providing Emergency Measures to Assist the Commonwealth's Fiscal Recovery." I am also notifying you of the attached allotment reductions under section 9C of chapter 29 of the General Laws.

On January 13, I informed you that estimated revenues were insufficient to meet authorized expenditures for fiscal year 2009 by approximately \$1.1 billion. As required by law, I now propose the following solutions to resolve this deficiency:

- \$191 million in spending reductions from the attached list, including \$128 million in reduced local aid from lottery aid and additional assistance, as authorized by Chapter 1 of the Acts of 2009:
- repeal of sales tax exemptions for alcoholic beverages, candy, and sweetened drinks, the revenue to be deposited in a new Commonwealth Wellness Fund to pay for existing public health programs, as proposed in this legislation. These repealed exemptions are expected to generate \$25 million to assist our solution in the remainder of fiscal year 2009, and the fiscal year 2010 budget that I also filed today relies on \$121.5 million from a full year of these revenues;
- \$25 million in additional revenues from tax settlements;
- \$18 million in Registry of Motor Vehicle fee increases;
- \$327 million from the Commonwealth Stabilization Fund, also proposed to be transferred in this bill;
- \$533 million in federal recovery aid, which I estimate will be received well before the end of this fiscal year.

This legislation also provides urgent additional municipal revenues to help offset the impact of the local aid reductions. These proposals eliminate the property tax exemption for telephone poles and telecom switching stations, and allow cities and towns, at local option, to levy an additional 1 percent excise on meals and hotel stays. Finally, they seek a statewide 1 percent

increase in the meals and room occupancy excises, generating about \$150 million to be redistributed to all cities and towns. Together with a new Municipal Partnership Act that I am also filing today, these proposals will provide cities and towns with the tools they need to respond to the present fiscal emergency.

This legislation also contains numerous other provisions to address the Commonwealth's fiscal concerns in fiscal year 2009 and beyond. A detailed list of these other provisions is attached.

The continuing revenue deficiency that all these measures seek to resolve is an inevitable result of a national economy in deep recession, the most serious in generations. I believe that these proposed solutions are the best choices among miserable options. I intend to continue working closely with you to resolve these difficult fiscal problems confronting our Commonwealth.

I urge your prompt and favorable consideration of this legislation.

Sincerely,

DEVAL L. PATRICK.

Governor.

The Commonwealth of Alassachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING EMERGENCY MEASURES TO ASSIST THE COMMONWEALTH'S FISCAL RECOVERY.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2009 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 To provide for supplementing certain items in the general appropriation act and other
- 2 appropriation acts for fiscal year 2009, the sums set forth in section 2 are hereby appropriated
- 3 from the General Fund unless specifically designated otherwise in this act or in those
- 4 appropriation acts, for the several purposes and subject to the conditions specified in this act or
- 5 in those appropriation acts, and subject to the laws regulating the disbursement of public funds
- 6 for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts
- 7 previously appropriated and made available for the purposes of those items.
- 8 SECTION 2.

9	EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS
10	Highway Department
11	6030-
12	7201\$58,611,381
13	SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to
14	provide for an alteration of purpose for current appropriations, and to meet certain requirements
15	of law, the sums set forth in this section are hereby appropriated from the General Fund unless
16	specifically designated otherwise in this section, for the several purposes and subject to the
17	conditions specified in this section, and subject to the laws regulating the disbursement of public
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	funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts
19	previously appropriated and made available for the purposes of those items.
20	EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES
21	Department of Public Health
22	4513-1010 For the department of public health; provided, that said department may
23	expend not more than \$7,000,000 in revenue received from the collection
24	of federal financial participation for early intervention services delivered
25	to Medicaid-eligible children by developmental educators and
26	professionals in related disciplines; provided further, that nothing in this
27	item shall give rise to or shall be construed as giving rise to enforceable
28	legal rights to any such services or an enforceable entitlement to the
29	services funded in this item; and provided further, that the revenue may be
30	used to pay for current and prior year claims\$500,000
31	4513-1012 The department of public health may expend not more than \$25,600,000
32	from revenues received from the federal cost-containment initiatives
33	including, but not limited to, infant formula rebates; provided, that for the
34	purpose of accommodating timing discrepancies between the receipt of
35	retained revenues and related expenditures, the department may incur
36	expenses and the comptroller may certify for payment amounts not to
37	exceed the lesser of this authorization or the most-recent revenue estimate
38	as reported in the state accounting system\$1,000,000
39	EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY
40	Department of State Police
40	Department of State 1 office
41	8100-0515 For the estimated expenses of hiring, equipping and training state police
42	recruits to maintain the strength of the state police; provided that 100 per
43	cent of the amount appropriated in this item shall be imposed as a policy
44	surcharge and collected and remitted to the commissioner of insurance in
45	accordance with section 116E of chapter 6 of the General Laws\$3,200,000
46	Municipal Police Training Committee
47	8200-0210 For the expanded annual training programs for veteran and reserve
48	municipal police officers and expanded recruit training conducted by the
49	municipal police training committee, including development and delivery

50 of distance learning programs for municipal police officers, and 51 development and execution of a standards and evaluations program for training courses and instructors of or certified by the committee; provided, 52 53 that notwithstanding any general or special law to the contrary, the training fee for new recruits of municipal police departments and those 54 55 law enforcement officers employed by agencies of the commonwealth 56 who exercise police powers, including but not limited to environmental 57 police officers and campus police officers of the University of 58 Massachusetts and state colleges who exercise police powers, shall be 59 covered by this item; and provided further, that 100 per cent of the amount appropriated in this item, including fringe benefit charges, shall be 60 imposed as a policy surcharge and collected and remitted to the 61 62 commissioner of insurance in accordance with section 116E of chapter 6 63 of the General Laws\$3,100,000 64 Military Division 65 8700-1140 For the state quartermaster who may expend not more than \$1,400,000 from revenues collected for the purposes described in this item; provided, 66 that the state quartermaster may expend from fees collected for the non-67 military rental or use of armories for the costs of utilities and maintenance; 68 and provided further, that the state quartermaster may expend not more 69 70 than \$250,000 for salaries, subsistence, quarters and associated costs for 71 national guard soldiers ordered to perform state missions under chapter 33 72 of the General Laws, from revenues resulting from the acceptance of funds 73 from any person, governmental entity or non-governmental entity to 74 defray such expenses \$1,000,000 75 SECTION 2B. To provide for supplementing certain intragovernmental chargeback 76 authorizations in the general appropriation act and other appropriation acts for fiscal year 2008, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for 77 an alteration of purpose for current intragovernmental chargeback authorizations, and to meet 78 79 certain requirements of law, the sums set forth in this section are hereby authorized from the 80 Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public 81 82 funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts 83 previously authorized and made available for the purposes of those items. 84 EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS 85 Highway Department 6030-7501\$1,000,000 86 87 Commission on the Status of Women Reporting Deadline Change

Municipal Police Training - 2

thereof the following word:- October.

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92 SECTION 4. Chapter 6 of the General Laws is hereby amended by inserting after section 116D,

SECTION 3. Section 66 of chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 47, the word "June" and inserting in place

93 inserted by section 7 of chapter 176 of the acts of 2008, the following section:-

94 Section 116E. (a) Sums for the estimated expenses of providing annual in-service specialized 95 and statutorily-mandated training programs conducted by the municipal police training 96 committee for veteran and reserve municipal police officers and for those officers employed by 97 agencies of the commonwealth who exercise police powers and receive this training from the 98 municipal police training committee, including but not limited to environmental police officers 99 and campus police officers of the University of Massachusetts and state colleges who exercise 100 police powers, shall be paid to the commissioner of insurance by property and casualty insurance 101 companies writing motor vehicle insurance policies in the commonwealth by means of a policy 102 surcharge imposed upon the policyholder of any private passenger automobile policy issued by 103 any property and casualty insurance company writing motor vehicle insurance policies in the 104 commonwealth. These programs shall include new recruit training provided by the municipal 105 police training committee; development and delivery of distance learning programs by the 106 municipal police training committee; a standards and evaluations program for training courses 107 and instructors of or certified by the municipal police training committee; the development and 108 updating of training programs including curricula by the municipal police training committee, 109 hiring, equipping, and training new state police recruits; and the development and operation of a 110 state police cadet program including the hiring, equipping, and training of state police cadets, subject to appropriation, and the estimated cost of fringe benefits associated with this training 111 112 hiring and employment. The amount of any surcharge shall be separately stated on either a 113 billing or policy declaration sent to an insured. The rate of the policy surcharge shall be 114 determined and adjusted annually by the commissioner of insurance to a rate sufficient to 115 generate a surcharge to fund the expenses estimated by the secretary of public safety and security 116 for the purposes described above.

117 (b) The policy surcharge shall be collected and remitted to the commissioner of insurance by the 118 property and casualty insurance companies writing motor vehicle insurance policies in the 119 commonwealth on a quarterly basis on or before the 25th day of the month succeeding the end of 120 the quarter in which it is collected. Any company failing or refusing to collect and remit to the 121 commissioner of insurance any policy surcharge or whose surcharge payments are not 122 postmarked by the due dates for quarterly filing shall be liable for a penalty of up to \$100 for 123 each day of delinquency, to be assessed by the commissioner of insurance. The estimated costs 124 shall include an amount equal to the cost of fringe benefits as established by the secretary of administration and finance under section 6B of chapter 29. Any surcharge collected in a fiscal 125 year but not expended by the municipal police training committee or department of state police 126 127 for the purposes set forth in this section shall be retained by the commonwealth for use by the 128 municipal police training committee or department of state police. The retained surcharge shall 129 be credited against the amounts required to be collected under this section in the following year, 130 and those required payments shall be reduced by the amount of this credit.

Qualifications of Commission on Medicolegal Investigations

- SECTION 5. Section 184 of chapter 6 of the General Laws, as appearing in the 2006 Official
- Edition, is hereby amended by striking out, in lines 9 and 10, the words "and who are members
- of the Massachusetts Society of Pathologists and who reside in the commonwealth", and
- inserting in place thereof the following words:- ,but the governor may appoint to either of these
- 2 seats a pathologist certified by the American Board of Pathology if, after a diligent search, no
- forensic pathologist is available.

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- 138 SBFR Audit
- SECTION 6. Chapter 7A of the General Laws is hereby amended by striking out section 12, as
- appearing in the 2006 Official Edition, and inserting in place thereof the following section:-
- 141 Section 12. (a)(1) All reports published under this section shall be filed with the governor, the
- secretary of administration and finance, the house and senate committees on ways and means and
- the clerks of the house and senate, and any other parties specified in general or special law.
- 144 (2) The comptroller shall prepare an annual statutory basis financial report based on the final
- closing of the accounting records. The report shall be published not later than October 31 of
- each year.
- 147 (3) The statutory basis financial report shall present fairly the aggregated financial statements for
- the budgeted governmental funds and tables of beginning and ending balances, revenues and
- sources and expenditures and uses for the non-budgeted governmental funds, and the capital
- project governmental funds. These statements shall be reviewed in accordance with professional
- standards established by the American Institute of Certified Public Accountants. The reports
- shall be prepared in accordance with the accounting system established by the comptroller under
- section 7, as cash outflows, including expenditures made in accordance with section 13 of
- chapter 29 and cash inflows including receipts of federal grants and subsidies from other
- governmental entities for reimbursement of such expenditures.
- 156 (4) The comptroller shall include, supplemental to the aggregated financial statements in the
- statutory basis financial report, a statement of the consolidated net surplus in the budgetary funds
- for the preceding fiscal year, in accordance with section 5C of chapter 29 and the amount by
- which such surplus exceeds the maximum allowable amount in accordance with section 2H of
- 160 chapter 29.
- 161 (5) Accompanying the statutory basis financial statements, the comptroller shall include
- financial statements for the budgeted funds that compare the budgeted amounts to final
- operations for each fund subject to appropriation.
- 164 (6) The comptroller may include narratives, statistical tables, and other disclosures and reference
- material in the statutory basis financial report that he considers appropriate in his professional
- 166 judgment.
- (b) The comptroller shall prepare an annual federal funds report based on the final closing of the
- accounting records which shall be published not later than the second Wednesday in January and
- shall present fairly all federal funds received by each agency and department during the fiscal
- 170 year. The report shall include for each program of federal financial participation the opening
- balances, revenues, and other sources, expenses and other uses, and ending balances for the fiscal
- 172 year. The final federal funds report shall be audited in conjunction with the state single audit, and
- the report of the auditor shall be included.
- 174 (c) The comptroller shall prepare a comprehensive annual financial report in conformity to
- generally accepted accounting principles for governments which shall be published not later than

- the second Wednesday in January. The report shall be audited in accordance with generally
- accepted auditing standards and generally accepted governmental auditing standards, and the
- 178 report of the auditor shall be included.

179 **DPL Trust Amendment – Fees -1**

- SECTION 7. Section 35V of chapter 10 of the General Laws, as so appearing, is hereby
- amended by striking out, in line 6, the words "and (c)" and inserting in place thereof the
- 182 following words:-,(c) and (d).

183 **DPL Trust Amendment – Fees -2**

- SECTION 8. Said section 35V of chapter 10, as so appearing, is hereby further amended by
- adding the following subsection:-
- 186 (d) Notwithstanding any general or special law to the contrary, 50 per cent of any increase in fees
- for obtaining or renewing a license, certificate, registration or permit issued by a board serving
- within the division that becomes effective on or after July 1, 2009 shall become part of the fund
- established under subsection (a).

190 Motor Vehicle Emissions Inspection and Maintenance Program-1

- 191 SECTION 9. Section 61 of said chapter 10, as so appearing, is hereby amended by striking out,
- in lines 4 and 5, the words "from that portion of the fee owed to" and inserting in place thereof
- the following word:- by.

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194 Motor Vehicle Emissions Inspection and Maintenance Program-2

- 195 SECTION 10. Said section 61 of chapter 10, as so appearing, is hereby further amended by
- striking out, in line 14, the figure "2009" and inserting in place thereof the following figure:- 2011.

197 CA/T – TIF issue - Technical Fix

- 198 SECTION 11. Section 63 of said chapter 10, as amended by section 13 of chapter 306 of the
- acts of 2008, is hereby further amended by striking out the sixth paragraph and inserting in place
- 200 thereof the following paragraph:-

At the direction of the secretary of administration and finance, the comptroller shall make payments from the fund established under this section, without further appropriation, for the purposes specified in this section.

Natural Resource Damages

SECTION 12. Chapter 21A of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. The secretary is hereby designated as the state natural resource trustee and may compromise or settle any claim for damages for injury to and for destruction or loss of natural resources, including the costs of assessing and evaluating the injury, destruction or loss, incurred or suffered as a result of a release or threat of release, under

section 5 of chapter 21E, 42 U.S.C. §9607(f), and 33 U.S.C. §2706, and other applicable law in accordance with this section. If any such claim, including the costs of assessment, is valued at not more than \$100,000, or at a higher amount determined in writing by the attorney general, the secretary may settle and compromise the claim if the secretary has

- given written notice and all pertinent information regarding the settlement to the attorney general or her designee at least 30 days before execution of the settlement. The secretary
- 217 may compromise or settle claims valued at greater than \$100,000, or at a higher amount
- determined in writing by the attorney general, only with the prior written approval of the
- 219 attorney general or her designee.

220 Commonwealth Wellness Fund

- SECTION 13. Chapter 29 of the General Laws is hereby amended by inserting after section
- 222 2YYY the following section:-
- Section 2ZZZ. There shall be established and set up on the books of the commonwealth a
- separate fund to be known as the Commonwealth Wellness Fund. The fund shall be credited
- with all sales tax revenues collected from the sale of candy, soft drinks and alcoholic beverages
- 226 under chapter 64H. Amounts credited to the fund shall be expended, subject to appropriation,
- 227 to support alcohol and tobacco addiction services, health promotion, school-based health
- programs, teenage pregnancy prevention, domestic violence and sexual assault prevention,
- 229 work force expansion services and other critical programs that support the wellness of residents
- of the commonwealth.

231 OSD Statewide Contract Administrative Fee

- 232 SECTION 14. Chapter 29 of the General Laws is hereby amended by inserting after section
- 233 2ZZZ the following section:-
- 234 Section 2AAAA. (a) There shall be established and set upon the books of the commonwealth a
- separate fund to be known as the State Contract Administrative Fee Fund. Amounts credited to
- the fund shall be expended to pay for the direct and indirect costs, including but not limited to
- the cost of personnel, of the operational services division of the executive office for
- administration and finance to procure, manage and administer statewide contracts.
- 239 (b) The operational services division may charge and collect from statewide contractors a
- statewide contract administrative fee, to be established by the executive office for administration
- and finance. Fees charged and collected under this paragraph shall be credited to the State
- 242 Contract Administrative Fee Fund created in paragraph (a).
- 243 Health Care Security Trust Board
- SECTION 15. Section 4 of chapter 29D of the General Laws, as appearing in the 2006 Official
- 245 Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the
- 246 following subsection:-
- 247 (d) The board of trustees shall consist of 7 trustees, including the secretary of administration
- and finance or a designee, the executive director of the group insurance commission or a
- designee, the executive director of the public employee retirement administration commission or
- a designee, the state treasurer or a designee, the comptroller or a designee and 2 additional
- trustees, one of whom shall be appointed by the governor and one of whom shall be appointed
- by the state treasurer. The appointed trustees shall serve for terms of 5 years and shall be
- 253 experienced in the field of investment, financial management, law and public management.
- 254 Trustees shall be eligible for reappointment.

255 State Use of OCIPs

- 256 SECTION 16. Chapter 30 of the General Laws is hereby amended by inserting after section 39S
- 257 the following section:-
- Section 39T. Notwithstanding section 8 of chapter 268A, the following agencies may
- 259 implement competitively procured owner controlled insurance programs, and may permit the
- use of contractor controlled insurance programs, on projects having estimated construction costs
- equal to or greater than \$50,000,000: (a), the division of capital asset management and
- 262 maintenance, (b) the department of highways, (c) the Massachusetts Port Authority, the
- 263 Massachusetts Water Resources Authority, (d) the Massachusetts State Colleges Building
- Authority, and (e) the University of Massachusetts Building Authority.

265 Management of the SRBTF

- 266 SECTION 17. Section 24 of chapter 32A of the General Laws, as inserted by section 8 of
- 267 chapter 61 of the acts of 2007, is hereby amended by striking out paragraph (a) and inserting in
- 268 place thereof the following paragraph:-
- 269 (a) There shall be established and set up on the books of the commonwealth a fund to be
- 270 known as the State Retiree Benefits Trust Fund, in this section referred to as the fund. The
- Health Care Security Trust board of trustees established by section 4 of chapter 29D shall be
- the trustee of and shall administer the fund, in accordance with that section. The fund shall be
- an expendable trust not subject to appropriation.

Duties and Authority of HCST Board

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- SECTION 18. Said section 24 of chapter 32A, as so appearing, is hereby further amended by
- inserting after paragraph (e) the following 3 paragraphs:-
- 277 (f) The trustees shall adopt an annual budget for the fund and supplemental budgets that
- 278 the trustees consider necessary, subject to the approval of the general court. Funding for the
- budget shall be from the investment return of the fund. If the general court takes no final action
- 280 to disapprove a budget within 60 days after its filing with the clerk of the house of
- representatives and the clerk of the senate, the budget shall be considered to be approved. If
- the general court disapproves a budget within 60 days after it has been filed, the trustees shall
- 283 operate under the annualized budgetary level most recently approved pending the filing and
- subsequent approval of any other annual or supplemental budget request.
- 285 (g) The trustees shall engage actuaries experienced in retiree health care costs to perform
- 286 annual actuarial calculations in accordance with Government Accounting Standards Board
- Statements 43 and 45, using data as needed from the group insurance commission, the public
- 288 employee retirement administration commission, the state treasurer and the comptroller and
- prepare funding schedules to be filed in accordance with section 25.
- 290 (h) The trustees shall engage an independent auditor to perform an audit of the State Retiree
- 291 Benefits Trust Fund's assets, liabilities, net assets, investments and operations on an annual
- 292 basis in accordance with government auditing standards and policies established by the
- 293 comptroller. The audit report shall be made available to all participating subdivisions,
- authorities, boards or instrumentalities not later than September 15, annually.

295 Technical Amendment to CME Qualifications

- SECTION 19. Section 2 of chapter 38 of the General Laws, as appearing in the 2006 Official
- Edition, is hereby amended by striking out, in line 6, the words "in Forensic Pathology" and
- inserting in place thereof, the following words:- with certification in anatomic pathology and
- subspecialty certification in forensic pathology.
- 300 SECTION 20. Said section 2 of chapter 38, as so appearing, is hereby further amended by
- 301 striking out, in lines 7 to 8, the words ", a diplomate of the American Board of Anatomic and
- 302 Forensic Pathology".

303 **Telecom**

- 304 SECTION 21. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended
- 305 by inserting after the word "than", in line 220, the following words:- a telephone or telegraph
- 306 corporation taxed under section 52A of chapter 63 or.

- 307 SECTION 22. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby
- further amended by inserting after the words "two A", in line 223, the following words:-, other
- than a telephone or telegraph corporation,.
- 310 SECTION 23. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is
- 311 hereby further amended by striking out paragraph (2), as inserted by section 2 of chapter 173 of
- 312 the acts of 2008, and inserting in place thereof the following paragraph:-
- 313 (2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63 that is
- not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax under
- section 52A of chapter 63, all property owned by the corporation other than the following:- real
- estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the
- business, which term, as used in this clause, shall not be considered to include stock in trade or
- any personal property directly used in connection with dry cleaning or laundering processes or in
- 319 the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling,
- the refrigeration of goods of in the an-conditioning of premises of in any purchasing, sering,
- accounting or administrative function. Notwithstanding the preceding sentence, a telephone or
- 321 telegraph corporation shall be subject to property tax assessment on machinery used in the
- 322 conduct of its business and leased to it by a corporation that is not a telephone or telegraph
- 323 corporation, and the telephone or telegraph corporation shall include such property on its list to
- 324 the board of assessors where the property is situated under section 29 of this chapter.
- 325 SECTION 24. Clause Fifth of section 18 of said chapter 59, as appearing in the 2006 Official
- 326 Edition, is hereby amended by adding the following 2 sentences:- Poles, underground conduits,
- wires and pipes of telecommunications companies laid in or erected upon public or private ways
- and property shall be assessed to their owners in the cities or towns where they are laid or
- erected. For purposes of this clause, telecommunications companies shall include cable
- television, internet service, telephone service, data service and any other telecommunications
- 331 service providers.

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Disclosure Exception for Meals and Hotel/Motel Tax

- 333 SECTION 25. Subsection (b) of section 21 of chapter 62C of the General Laws, as amended by
- section 8 of chapter 205 of the acts of 2007, is hereby amended by adding the following clause:-
- 335 (24) the disclosure of information necessary for administration of the local option excises
- imposed by section 2A of chapter 64H and section 3A of chapter 64G.

337 **DOR Paying Interest on Refunds**

- 338 SECTION 26. Section 40 of chapter 62C of the General Laws, as appearing in the 2006 Official
- Edition, is hereby amended by striking out the first 2 sentences of subsection (b) and inserting in
- place thereof the following 2 sentences:- If any overpayment of tax is refunded within 90 days
- after the last day prescribed for filing the return of such tax, determined without regard to any
- extension of time for filing the return, or, in case the return is filed after such last date, is
- refunded within 90 days after the date the return is filed, no interest shall be allowed hereunder
- on such overpayment. If any overpayment of tax is not refunded within 90 days after a return is
- 345 filed where such return is filed after the last day prescribed for filing such return, determined
- 346 without regard to any extension of time for filing such return, interest shall be allowed hereunder
- on such overpayment only from the date the return is filed.

348 Hotel/Motel Tax

- 349 SECTION 27. Section 3 of chapter 64G of the General Laws, as appearing in the 2006 Official
- 350 Edition, is hereby amended by striking out, in line 4, the word "five" and inserting in place
- 351 thereof the following figure:- 6.

- 352 SECTION 28. Said section 3 of said chapter 64G, as so appearing, is hereby further amended by
- inserting after the word "equivalent.", in line 6, the following sentence:- Before applying
- section 35J of chapter 10 or any other general or special law to the revenues generated by this
- section, 1 percentage point of the excise shall be deposited in the General Fund.
- 356 SECTION 29. Section 3A of said chapter 64G of the General Laws, as so appearing, is hereby
- amended by striking out, in line 5, the word "four" and inserting in place thereof the following
- 358 number:- 5.
- 359 SECTION 30. Said section 3A of said chapter 64G of the General Laws, as so appearing, is
- hereby further amended by striking out, in line 10, the number "4.5" and inserting in place
- thereof the following number:- 5.5.

Meals Tax

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- 363 SECTION 31. Chapter 64H of the General Laws is hereby amended by inserting after section 2 the following section:-
- Section 2B. (a) In addition to the excise imposed by section 2, an excise is hereby imposed upon
- 366 the sale of restaurant meals in the commonwealth at the rate of 1 per cent of the gross receipts of
- 367 the vendor from the sale of restaurant meals. No excise shall be imposed if the service is exempt
- under section 6. The vendor shall pay the sales tax imposed under this section to the
- commissioner at the same time and in the same manner as the sales tax due to the commonwealth
- under section 2, but the tax under this paragraph shall only be used to provide additional local aid
- to cities and towns.
- 372 (b) Any city or town which accepts this paragraph may impose a local sales tax upon the sale of
- 373 restaurant meals originating within the city or town by any vendor at a rate of up to, but not
- exceeding, 1 per cent of the gross receipts of the vendor from the sale of restaurant meals. No
- excise shall be imposed if the sale is exempt under section 6. The vendor shall pay the local
- sales tax imposed under this section to the commissioner at the same time and in the same
- manner as the sales tax due to the commonwealth. The commissioner may adopt, by rule or
- 378 regulation, destination sourcing rules for caterers or other vendors with a high volume of
 - delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive
- impact of the local option meals tax.
 - (c) All sums received by the commissioner under paragraph (b) shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted paragraph (b) in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this paragraph must so notify the commissioner, in writing, no later than one year from the date the tax was distributed by the commissioner to the city or town.
 - (d) Paragraph (b) shall take effect only in a city or town that accepts it as provided in section 4 of chapter 4. The paragraph shall take effect on the first day of the calendar quarter following 30 days after this acceptance, or on the first day of a later calendar quarter that the city or town may designate.
 - (e) The commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section, including but not limited to a report of the amount of local option sales tax on restaurant meals collected in the preceding fiscal year in

- each city or town accepting paragraph (b) of this section, with identification of each individual
- vendor, notwithstanding any provisions in section 21 of chapter 62C to the contrary.
- 397 Elimination of Sales Tax Exemptions for Candy, Soft Drinks and Alcoholic Beverages
- 398 SECTION 32. Section 1 of chapter 64H of the General Laws, as so appearing, is hereby
- amended by adding the following definitions:
- 400 "Candy", a preparation of sugar, honey, or other natural or artificial sweeteners in combination
- with chocolate, fruits, nuts or other ingredients or flavorings in the form of
- bars, drops, or pieces. "Candy" shall not include any preparation containing flour and shall
- 403 require no refrigeration.
- "Soft drinks", non-alcoholic beverages that contain natural or artificial sweeteners. "Soft drinks"
- do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes,
- or greater than fifty percent of vegetable or fruit juice by volume.
- 407 SECTION 33. Section 6 of said chapter 64H, as so appearing, is hereby amended by striking
- out, in line 72, the words "and one hundred and thirty-eight."
- SECTION 34. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by
- striking out, in line 77, the words "soft drinks," and by striking out, in line 78, the words ", candy
- and confectionary" and by inserting, after the word "include", in line 80, the following words:-
- soft drinks and candy, as defined in section 1,.
- SECTION 35. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by
- striking out, in lines 115 to 116, the words "in the instance in which it sells only snacks and
- candy with a sales price of less than \$3.50" and inserting in place thereof the following words:-
- 416 to the extent that it sells food products with a sales price of less than \$3.50; provided further that
- candy and soft drinks as defined in section 1 are subject to tax regardless of whether the vending
- 418 machine from which they are sold is considered an eating establishment or not.
- 419 SECTION 36. Said section 6 of said chapter 64H, as so appearing, is hereby further amended
- by inserting after the word "Beverages", in line 127, the following words:-, except soft drinks,..
- 421 RMV Fees
- 422 SECTION 37. Section 33 of chapter 90 of the General Laws, as appearing in the 2006
- Official Edition, is hereby amended by striking out, in lines 6 to 7, the words ", the fee for which
- 424 is not otherwise provided for in any general or special law, the fee shall be \$36".
- 425 SECTION 38. Said section 33 of said chapter 90, as so appearing, is hereby further
- amended by striking out, in line 143, the words ", the fee shall be \$40".
- 427 Motor Vehicle Emissions Inspection and Maintenance Program-3
- 428 SECTION 39. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby
- amended by inserting after the word "exhaust", in line 17, the following words:-, or a device
- 430 which analyzes a motor vehicle's computer system relating to emissions.
- 431 Motor Vehicle Emissions Inspection and Maintenance Program-4
- 432 SECTION 40. Said section 142M of chapter 111, as so appearing, is hereby further amended
- by striking out, in lines 19 and 20, the words "including, but not " and inserting in place thereof
- 434 the following words:- which may include, but not be.
- 436 Motor Vehicle Emissions Inspection and Maintenance Program-5
- 437 SECTION 41. Said section 142M of chapter 111, as so appearing, is hereby further amended
- by striking out, in line 134, the word "shall" and inserting in place thereof the following word:-
- 439 may.

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440 Motor Vehicle Emissions Inspection and Maintenance Program-6

- 441 SECTION 42. Said section 142M of chapter 111, as so appearing, is hereby further amended
- 442 by striking out, in line 174, the words "a private entity" and inserting in place thereof the
- 443 following words:- 1 or more private entities.
- 444 **Motor Vehicle Emissions Inspection and Maintenance Program-7**
- 445 SECTION 43. Said section 142M of chapter 111, as so appearing, is hereby further amended
- 446 by striking out, in line 229, the words "and (iv)" and inserting in place thereof the following
- 447 words:- (iv) any motor vehicle that United States Environmental Protection Agency or California
- 448 Air Resources Board new vehicle certification requirements do not require to be equipped with
- 449 an onboard diagnostic system, as determined by the commissioner; and (v).
- 450 Contractor/Subcontractor Prequalification - 1
- 451 SECTION 44. Section 44D ½ of chapter 149 of the General Laws, as so appearing, is hereby
- amended by inserting after the word "maintenance", in line 13, the following words:-,local 452
- 453 housing authority projects funded by the department of housing and community development.
- 454 **Contractor/Subcontractor Prequalification – 2**
- 455 SECTION 45. Section 44D \(^3\)4 of said chapter 149, as so appearing, is hereby amended by
- 456 inserting after the word "maintenance", in line 16, the following words:-,local housing authority
- projects funded by the department of housing and community development. 457
- 458 **DOB** Amendment to Chapter 167
- 459 SECTION 46. Chapter 167 of the General Laws is hereby amended by striking out section 2, as
- 460 appearing in the 2006 Official Edition, and inserting in place thereof the following section:—
- 461 Section 2. (a) (1) The commissioner, either personally or by the commissioner's examiners or
- 462 other assistants that the commissioner designates, shall, at least once in each calendar year, or at
- least once in an 18-month period in the case of a bank which is well capitalized as defined in 12 463
- 464 USC 1831(o) and the regulations adopted under that section, make a thorough examination of the
- 465 books, securities, cash, assets and liabilities and ascertain the condition of all banks under the
- commissioner's supervision, including Massachusetts and out-of-state branches, the ability of 466
- 467 each bank to fulfill its obligations, and whether it has complied with all applicable law. The
- 468 commissioner may also, whenever he considers it expedient, make or cause to be made, at the
- 469 expense of the bank, any further examinations or audits that the commissioner considers
- 470 advisable, by his examiners or by certified public accountants or public accountants approved by
- 471 him and subject to his direction and not connected with the bank. The commissioner may also,
- 472 whenever he considers it expedient, appoint individuals certified as real estate appraisers by the
- 473 society of real estate appraisers, or a similar successor society, to make, at the expense of the
- 474 bank, appraisals of real estate securing loans of the bank. When the commissioner names these
- 475 appraisers, he shall so notify the bank and advise it of the date on which he has requested
- 476 submission of the appraisal report to him. The bank may then appoint an appraiser who may
- 477 submit the report of his appraisal to the commissioner on the same date.
- 478 (2) The commissioner or the person making the examination shall, at the time of the
- 479 examination, have free access to the vaults, investments, cash, books and papers. In making any
- 480 examination which the commissioner considers necessary, the commissioner shall have access to
- the vaults, books and papers of each of the bank's affiliates and may make any examination of
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- 482 the affairs of its affiliates that may be necessary to disclose fully the relations between the bank
- 483 and its affiliates and the effect of this relationship upon the affairs of the bank.
- 484 (b) (1) The commissioner shall preserve a full record of this examination of a bank including a
- 485 statement of its condition. All records of investigations and reports of examinations by the
- 486 commissioner, including workpapers, information derived from the reports or responses to the
- 487 reports, and any copies of these records in the possession of any bank under the supervision of

the commissioner, shall be confidential and privileged communications, shall not be subject to subpoena and shall not be a public record under clause twenty-sixth of section 7 of chapter 4. For the purpose of this paragraph, records of investigation and reports of examinations shall include records of investigation and reports of examinations conducted by a financial regulatory agency of the federal government and any other state, and of any foreign government, which are considered confidential by the agency or foreign government and which are in possession of the commissioner. In any proceeding before a court, the court may issue a protective order to seal the record protecting the confidentiality of these records, other than any record on file with the court or filed in connection with the court proceeding, and the court may exclude the public from any portion of the proceeding at which the record may be disclosed.

- (2) Copies of reports of these examinations shall be furnished to the bank for its use only and shall not be exhibited to any other person, organization or agency without the prior written approval of the commissioner. The commissioner may, in his discretion, furnish to the chief national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance Corporation, the Depositors Insurance Fund, the Cooperative Central Bank, the Massachusetts Credit Union Share Insurance Corporation, the National Credit Union Administration, the Office of Thrift Supervision, or any successor to these entities, any other bank regulatory or law enforcement agency, or the banking departments of other states or foreign countries, any information, reports and statements relating to the institutions under his supervision that he considers appropriate.
- (c) (1) An annual charge shall be paid by each bank under the supervision of the commissioner which shall be based on the total amount of assets held by each bank as stated on the most recent report to the commissioner filed before December 31 of the preceding year. The charge assessed to all such banks shall be determined based on a calculation of the amount that would be sufficient to pay for the operations of the division of banks in the amount set forth in the division's appropriation for the fiscal year, and each bank shall pay the charge within 30 days after receiving notice from the commissioner of the charge assessed. The notice shall be issued annually by the commissioner on January 31 of each calendar year. The charge shall be determined annually by the commissioner of administration, with the assistance of the commissioner under section 3B of chapter 7 and may contain such classifications and differentiations based upon the financial condition of such banks as he considers appropriate. Classifications of individual institutions shall be exempt from section 10 of chapter 66. The annual charge shall be paid, on a pro rata basis, by the successor of any bank which is merged into, or whose assets are purchased and its deposit liabilities are assumed by a federally chartered or out-of-state bank during the preceding year. No annual charge shall be collected from a bank which has been in operation for 1 year or less. The aggregate amount of charges assessed by the division of banks for a fiscal year under this section and other applicable fee provisions shall not be less than the aggregate amount of revenues for the fiscal year as estimated for the division of banks or its successor agency in section 1B of the general appropriation act for that fiscal year. (2) If, in any fiscal year, the assessment by the division of banks under the general or special laws or by regulations are insufficient to pay for the operations of the division of banks in the amount set out in its annual appropriation, or any additional appropriation for that fiscal year, the division of banks shall assess the remaining amount upon all depository and non-depository financial institutions under the supervision of the division of banks. This assessment shall be determined by regulations of the secretary of administration and finance with the assistance of the commissioner under section 3B of chapter 7 and may contain such classifications and

- differentiations based upon the regulatory condition of each institution as the commissioner
- considers necessary. The classifications of individual institutions shall be exempt from section
- 536 10 of chapter 66. The assessment shall be paid within 30 days after notice from the
- 537 commissioner of the amount due.
- 538 (3) The expense of the examination of the affairs of any affiliate of a bank, including all monies
- expended by the commonwealth for personal services and the proportion of the general overhead
- of the division of banks and loan agencies, including travel, hotel and meal allowances, and other
- costs, that is determined by the commissioner to be attributable to the examination or audit, shall
- be paid by the affiliate examined. For the purposes of this section, the term "affiliate" shall
- 543 include holding company affiliates, but shall not include any person or corporation the control of
- which is held by a bank when acting in a fiduciary capacity.

545 Ch.58 Reporting Language

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- SECTION 47. Section 132 of chapter 58 of the acts of 2006 is hereby amended by striking out
- 547 the word "thereafter", in the third sentence, and inserting in place thereof the following words:-;
- for 2 years after the effective date of this section, and shall be updated bi-annually for an
- additional 2 years. No additional reports shall be required after this section has been in effect for 4 years.

Accounting Technical Corrections -1

SECTION 48. Chapter 139 of the acts of 2006 is hereby amended by striking out section 96 and inserting in place thereof the following section:-

SECTION 96. Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2007.

Accounting Technical Corrections -2

SECTION 49. Chapter 61 of the acts of 2007 is hereby amended by striking out section 49 and inserting in place thereof the following section:-

SECTION 49. Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2008.

Film Tax Credit Report

SECTION 50. Section 13 of chapter 63 of the acts of 2007 is hereby amended by striking out, in the first sentence, the words "December 31, report in writing to the house and senate committee on ways and means on the status of the film tax credit" and inserting in place thereof the

following words:- March 31, report in writing to the house and senate committee on ways and means on the status of the film credit for the previous calendar year.

Repealing Temporary Management of SRBTF

570 SECTION 51. Section 12 of chapter 135 of the acts of 2008 is hereby repealed.

571 Technical Correction – Welcome Home Payment

- 572 SECTION 52. Item 0610-2000 of section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the words "; and provided further, that funds available in fiscal year
- 574 2008 shall be available for expenditure until June 30, 2009".

575 KMPG Contract for Cash Flow Process

- 576 SECTION 53. Item 0699-9100 of section 2 of chapter 182 of the acts of 2008 is hereby
- amended by adding the following words: -
- 578; and provided further, that not more than \$500,000 from this item shall be made available to the
- state treasurer, in collaboration with the secretary of administration and finance and the

- comptroller, for the continued efforts to improve the processes and reporting of projecting the
- commonwealth's official cash flow, under section 10 of chapter 10 of the General Laws.
- **Technical Line Item Numbers -1**
- SECTION 54. Item 2800-0500 of section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the item number "2800-0500" and inserting in place thereof the
- following item number:- 2800-0501.
- **Technical Line Item Numbers -2**
- SECTION 55. Item 2810-2040 of said section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the item number "2810-2040" and inserting in place thereof the
- 589 following item number: 2810-2041.
- 590 CHC's at MassHealth
- 591 SECTION 56. Item 4000-0700 of said section 2 of said chapter 182, as amended by section 41 of
- chapter 302 of the acts of 2008, is hereby further amended by striking out the words "provided
- further, that not less that \$10,000,000 shall be expended to pay for an increase in Medicaid rates
- for community health centers, as defined in section 1 of chapter 118G of the General Laws" and
- inserting in place thereof the following words:- provided further, that not less than \$5,800,000
- shall be expended to pay for an increase in Medicaid rates for community health centers, as
- defined in section 1 of chapter 118G of the General Laws.
- 598 Technical Line Item Numbers -3
- 599 SECTION 57. Item 4401-1100 of said section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the item number "4401-1100" and inserting in place thereof the
- following item number:- 4401-1101.
- 602 **DOB** Amendment to FY09 Assessment
- SECTION 58. Said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking
- out item 7006-0010 and inserting in place thereof the following item:-
- 7006-0010 For the operation of the division of banks; provided, that notwithstanding any general
- or special law to the contrary, the division shall assess 100 per cent of the amount appropriated in
- this item upon financial institutions which the division currently regulates under section 2 of
- chapter 167 and section 24 of chapter 167B of the General Laws at a rate sufficient to produce
- 609 \$12,582,991 in revenue that shall pay for this item. \$12,582,991
- 610 Amendment to FY09 GAA in line item 7035-0002
- SECTION 59. Item 7035-0002 of said section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the words "provided further, that funds shall only be expended in the
- 613 CC, HH, PP, and UU object classes;".
- 614 FY09 GAA Clarification Sexual Assault Evidence Kits
- 615 SECTION 60. Item 8000-0202 of said section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the words "that no funds shall be expended in the AA object class; and
- 617 provided further".
- 618 Retained Revenue Increase for ASAP's
- 619 SECTION 61. Item 9110-1630 of said section 2 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the figure "\$8,000,000" and inserting in place thereof the following
- 621 figure: \$11,500,000.
- 622 Accounting Technical Corrections -3
- 623 SECTION 62. Said chapter 182 of the acts of 2008 is hereby amended by striking out section 81
- and inserting in place thereof the following section:-

- Section 81. Notwithstanding any general or special law to the contrary, the formula for
- application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in
- 627 fiscal year 2009.
- 628 Stabilization Fund Interest Transfer
- 629 SECTION 63. Chapter 182 of the acts of 2008 is hereby amended by striking out section 84
- and inserting in place thereof the following section:-
- Section 84. Notwithstanding any general or special law to the contrary, the comptroller shall, not
- later than June 30, 2009, transfer the interest earned from the Commonwealth Stabilization Fund
- during fiscal year 2009 to the General Fund. If the interest earned by the Commonwealth
- 634 Stabilization Fund during fiscal year 2009 is less than \$91,000,000 then the amount transferred
- shall be \$91,000,000. The comptroller shall take the overall cash flow needs of the
- commonwealth into consideration in determining the timing of any transfer of funds provided for
- in this section.

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- MATF Transfers
- 639 SECTION 64. Paragraph (c) of section 88 of chapter 182 of the acts of 2008 is hereby
- amended by striking out the figure "\$346,000,000" and inserting in place thereof the following
- figure:- \$386,000,000; and by striking out the figure "\$148,000,000" and inserting in place
- thereof the following figure:-\$228,000,000; and by striking out the figure "\$74,000,000" and
- inserting in place thereof the following figure:- \$114,000,000.

FY09 GAA Technical Correction Ponkapoag Amendment - 1

- SECTION 65. Section 103 of said chapter 182 of the acts of 2008 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-
- (a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Ponkapoag golf course, in this section called the golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall prefer any proposal submitted by the town of Canton, or by a non-profit organization within the town of Canton, which complies with the requirements of this section; and provided further, that the division of capital asset management and maintenance shall provide the town of Canton not less than 45 days to determine whether the town shall submit a proposal before soliciting proposals under subsection (b); and provided further, that if the town of Canton executes a lease of the golf course under this section it shall not assign or otherwise transfer the lease to any third party.

FY09 GAA Technical Correction Ponkapoag Amendment - 2

SECTION 66. Said section 103 of chapter 182 of the acts of 2008 is hereby further amended by striking out the first paragraph of subsection (b) and inserting in place thereof the following paragraph:-

If no lease agreement is reached with the town of Canton under subsection (a) and not before April 1, 2009, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to: (1) a comprehensive list of all

674 recreational facilities operated by the responsive bidder or offer or in the last 4 years; (2) other 675 facilities management or experience of the responsive bidder or offer; (3) a senior citizen and 676 children discount program; (4) reservation policies; (5) proposed reasonable rates that will ensure 677 continued public access; (6) required financial audits; (7) policies to encourage use of the golf 678 course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal 679 opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance 680 processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-681 hole public golf course; (15) a provision that lessee shall not construct any facilities on the 682 grounds of the golf course or any property appurtenant thereto; provided, however, that the 683 lessee may construct facilities incidental to the operation of a golf course with the written 684 approval of the commissioner of the department of conservation and recreation; (16) a host 685 community agreement between the designated operator and the town of Canton. Any increase in 686 fees including fees for season passes, and any increase in charges for greens fees, golf cart or 687 club rentals shall be approved in writing by the commissioner of the department of conservation 688 and recreation; provided, however, that in considering any request for an increase in fees, the 689 commissioner shall consider without limitation: (i) any capital investment made by the contractor 690 or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase. 691

692 FY09 GAA Technical Correction Ponkapoag Amendment - 3

693 SECTION 67. Said section 103 of the chapter 182 of the acts of 2008 is hereby further amended by striking out, in subsection (e), the words "Upon conveyance of the parcel, the" and inserting in place thereof the following word:- The.

696 Allocate Funds for PCA Agreement

- SECTION 68. Section 2A of chapter 302 of the acts of 2008 is hereby amended by striking out item 1599-6379 and inserting in place thereof the following item:-
- 699 1599-6379 For a reserve to meet the fiscal year 2009 costs of salary adjustments and other

economic benefits authorized by the collective bargaining agreement between the

- 701 commonwealth and the Service Employees International Union; provided, that the secretary of
- administration and finance may transfer from the sum appropriated in this item to other items of
- appropriation and allocations thereof for fiscal year 2009 amounts that are necessary to meet
- those costs where the amounts otherwise available are insufficient for the purpose, in accordance
- with a transfer plan which shall be filed in advance with the house and senate committees on
- ways and means; and provided further, that no more than \$20,000,000 of the appropriated
- amount shall be transferred for the costs of the collective bargaining agreement, and the rest shall
- 708 revert to the General Fund on June 30, 2010......\$20,000,000

709 Technical Line Item Numbers -4

- 710 SECTION 69. Item 7010-0016 of section 2C of said chapter 302 of the acts of 2008 is hereby
- amended by striking out the item number "7010-0016" and inserting in place thereof the
- 712 following item number:- 7010-0216.

713 **Technical Line Item Numbers -5**

- SECTION 70. Item 6033-0817 of section 2A of said chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6033-0817" and inserting in place thereof the
- 716 following item number:- 6035-0817.

717 Technical Line Item Numbers -6

- 718 SECTION 71. Item 6033-0837 of said section 2A of chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6033-0837" and inserting in place thereof the
- 720 following item number:- 6035-0837.

- 721 Technical Line Item Numbers -7
- SECTION 72. Item 6033-0867 of section 2B of said chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6033-0867" and inserting in place thereof the
- 724 following item number:- 6035-0867.
- 725 Technical Line Item Numbers -8
- SECTION 73. Item 6033-0877 of said section 2B of chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6033-0877" and inserting in place thereof the
- 728 following item number:- 6035-0877.
- 729 **Technical Line Item Numbers -9**
- 730 SECTION 74. Item 6033-0887 of said section 2B of chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6033-0887" and inserting in place thereof the
- 732 following item number:- 6035-0887.
- 733 **Technical Line Item Numbers -10**
- SECTION 75. Item 6001-0801 of section 2C of said chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6001-0801" and inserting in place thereof the
- 736 following item number:- 6001-0881.
- 737 Technical Line Item Numbers -11
- 738 SECTION 76. Item 6001-0802 of said section 2C of chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6001-0802" and inserting in place thereof the
- 740 following item number:- 6001-0882.
- 741 Technical Line Item Numbers -12
- SECTION 77. Item 6001-0804 of said section 2C of chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6001-0804" and inserting in place thereof the
- 744 following item number:- 6001-0884.
- 745 **Technical Line Item Numbers -13**
- SECTION 78. Item 6001-0805 of said section 2C of chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6001-0805" and inserting in place thereof the
- 748 following item number:- 6001-0885.
- 749 **Technical Line Item Numbers -14**
- 750 SECTION 79. Item 6001-0813 of section 2E of said chapter 303 of the acts of 2008 is hereby
- amended by striking out the item number "6001-0813" and inserting in place thereof the
- 752 following item number:- 6001-0820.
- 753 **Technical Line Item Numbers -15**
- SECTION 80. Item 0640-0300 of section 2C of chapter 304 of the acts of 2008 is hereby
- amended by striking out the item number "0640-0300" and inserting in place thereof the
- 756 following item number: 0640-0301.
- 757 Technical Line Item Numbers -16
- 758 SECTION 81. Item 0330-9999 of section 2D of said chapter 304 of the acts of 2008 is hereby
- amended by striking out the item number "0330-9999" and inserting in place thereof the
- 760 following item number:- 0330-9997.
- **Technical Line Item Numbers -17**
- SECTION 82. Item 0526-2010 of section 2A of chapter 312 of the acts of 2008 is hereby
- amended by striking out the item number "0526-2010" and inserting in place thereof the
- 764 following item number: 0526-2012.
- 765 Fix Middle/Middlesex Correction

- SECTION 83. Subsection (b) of section 7 of chapter 377 of the acts of 2008 is hereby amended
- by striking out the word "middlesex" and inserting in place thereof the following word:- middle.
- **GIC Municipal Enrollment Date Correction**
- SECTION 84. Section 10 of chapter 377 of the acts of 2008 is hereby amended by striking out
- the date "January 1, 2012" and inserting in place thereof the following date:- July 1, 2009.
- 771 Bicycle Safety Technical Amendments
- SECTION 85. (A) Chapter 525 of the acts of 2008 is hereby amended by striking out section 1
- and inserting in place thereof the following section:-
- Section 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116D the
- 775 following section:—
- Section 116E. (a) The municipal police training committee shall develop and establish within the
- recruit basic training curriculum a course for regional and municipal police training schools for
- the training of law enforcement officers in bicycle safety enforcement and develop guidelines for
- traffic enforcement for bicyclist safety. As used in this section, "law enforcement officer" shall
- mean an officer of a municipal police department.
- (b) The course in bicycle safety enforcement shall include, but not be limited to, instruction in
- the procedures and techniques described below:
- 783 (1) the rights and duties of bicyclists set forth in chapter 85;
- 784 (2) patterns and sources of injuries to bicyclists, both those involving and those not involving
- 785 motor vehicles and the percentage of crashes involving cyclists riding against traffic, riding at
- 786 night and riding on sidewalks;
- 787 (3) the most dangerous actions by bicyclists and procedures for citing bicyclists, including
- 788 minors;
- 789 (4) common motorist actions causing bicycle crashes;
- 790 (5) reporting bicyclist crashes; and
- 791 (6) motorists intentionally endangering bicyclists.
- 792 (c) All law enforcement recruits shall receive the course in bicycle safety enforcement as part of their required training program.
- 794 (d) The course of instruction, the learning and performance objectives, the standards for training
- and the guidelines shall be developed by the municipal police training committee in consultation
- with the Massachusetts Bicycle Advisory Board and appropriate groups and individuals having an interest and expertise in bicycle safety.
- 798 (e) The municipal police training committee may include this course of instruction within its in-799 service training curriculum available to in-service trainees and any other public safety officers.
- 800 (B) Chapter 525 is hereby further amended by adding the following section:-
- 801 Section 15. Section 6 shall take effect on January 1, 2011.
- 802 **Stabilization Fund Transfer**
- SECTION 86. Notwithstanding any general or special law to the contrary, in addition to funds
- already authorized to be transferred, the comptroller shall, on or before June 30, 2009, transfer
- \$327,000,000 to the General Fund from the Commonwealth Stabilization Fund, but the
- so comptroller shall instead transfer a lesser amount if the secretary of administration and finance so
- requests in writing. The comptroller, in consultation with the secretary of administration and
- finance, may take the overall cash flow needs of the commonwealth into consideration in
- determining the timing of any transfer of funds. The comptroller shall provide a schedule of
- 810 transfers to the secretary of administration and finance and to the house and senate committees
- on ways and means.

812 Group Insurance Commission Employee Contribution Tiered by Salary

- 813 SECTION 87. Notwithstanding chapter 150E of the General Laws and as provided in section 8
- of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of
- group insurance premiums for active state employees and their dependents where the employees'
- annual salary is less than \$35,000 shall be 85 per cent; the commonwealth's share of premiums
- for active state employees and their dependents where the employees' annual salary is \$35,000 or
- greater but less than \$50,000 shall be 80 per cent; and the commonwealth's share of premiums
- for active state employees and their dependents where the employees' annual salary is \$50,000 or
- greater shall be 75 per cent. The commonwealth's share of premiums for active state employees
- and their dependents shall be determined annually by the active state employee's salary used or
- collected by the commission to calculate premiums for additional insurance established in
- section 10A of chapter 32A and disability insurance established in section 10D of chapter 32A.
- The commission shall notify the house and senate committees on ways and means by April 1 of
- each year of the cost of the commonwealth's projected share of group insurance premiums for the
- next fiscal year, and the group insurance commission may pay premium and plan costs for
- political subdivision employees, retirees and their dependents who are enrolled in the group
- insurance commission's health plans subject to the commission's regulations.

829 FY09 Reduction in Governor's Office

- 830 SECTION 88. Notwithstanding any general or special law to the contrary, in addition to the
- reduction made by clause (2) of subsection (a) of section 7 of chapter 377 of the acts of 2008, the
- appropriations for fiscal year 2009 in section 2 of chapter 182 of the acts of 2008 for the office of
- the governor shall be reduced by \$286,943.

MATF Corrective Language

834

- SECTION 89. Notwithstanding sections 12 and 15 of chapter 29 of the General Laws, the
- authorization to transfer from the General Fund to the MassHealth provider payment account in
- the Medical Assistance Trust Fund under section 123 of chapter 139 of the acts of 2006, chapters
- 838 146 and 176 of the acts of 2006, and section 57 of chapter 61 of the acts of 2007 shall expire on
- June 30, 2009; provided, that such transfers may be made during fiscal year 2009 upon the
- 840 direction of the secretary of administration and finance.

841 Transfer to Lead Paint Abatement Program

- SECTION 90. Notwithstanding any general or special law to the contrary, the department of
- environmental protection shall transfer \$4,000,000 of funds previously appropriated or loans
- repaid as a result of item 1231-1020 of section 2 of chapter 151 of the acts of 1996, as inserted
- by section 72 of chapter 204 of the acts of 1996, to the lead paint abatement program established
- by section 197E of chapter 111 of the General Laws.

847 **Gryphon Contract**

- SECTION 91. Notwithstanding any general or special law to the contrary, for fiscal years 2009
- and 2010, net recoveries generated by any contract entered into by the comptroller under section
- 29E chapter 29 of the General Laws for accounts receivable cost recovery services shall be
- deposited as unrestricted revenue in the General Fund, but federal funds shall be returned to the
- 852 federal government, and any amounts to be financed through the sale of bonds shall be used to
- reduce the amount financed.

Telecom - Effective Dates

- SECTION 92. Sections 21, 22 and 23 of this act shall take effect on January 1, 2009.
- 856 SECTION 93. Section 24 of this act shall take effect as of January 1, 2008 and shall apply to
- property taxes assessed for fiscal years beginning on or after July 1, 2008. Notwithstanding any

- general or special law to the contrary, for fiscal year 2009, the assessors of any city or town may
- assess taxes for any personal property taxable under section 24 not included in the fiscal year
- annual tax assessment to its owner in the manner and within the time provided by section
- 861 75 or 76 of said chapter 59.
- 862 **DOR Paying Interest on Refunds Effective Date**
- SECTION 94. Section 26 of this act shall take effect for returns filed on or after January 1, 2009.
- 864 Elimination of Sales Tax Exemption Effective Date
- SECTION 95. Sections 32 through 36 of this act shall be effective on April 1, 2009.
- 866 **RMV Fees Effective Date**SECTION 96. Motor vehicle registration and license fees
- established under section 33 of chapter 90 of the General Laws before sections 37 and 38 of
- this act take effect shall continue in force until new fees have been adopted under said section
- 33 of chapter 90, as amended by sections 37 and 38.
- 870 GIC Tiering Effective Date
- 871 SECTION 97. Section 87 shall take effect on January 1, 2009.